

# Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

## Minutes

**Title of meeting:**

Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution

**Location:** Microsoft Teams Meeting

**Date of Meeting:** 21<sup>st</sup> June 2021

**Present:**

Zoe Henderson, NRW (Chair)

Dennis Matheson, TFA

Creighton Harvey, CFF

Bob Vaughan, NRW

Sarah Jones, Dwr Cymru

Marc Williams, NRW

James Ruggeri, HCC

Edward Davies, NRW

Bernard Griffiths, FUW

Chris Mills, WEL

Spencer Conlon, WG

Andrew Chambers, WG

Nichola Salter, NRW

Shane Thomas, CFF

Geraint Hamer, WG

Katy Simmons, NRW

Einir Williams, FC

Fraser McAuley, CLA

Kate Snow, United Utilities

Ruth Johnston, NRW

Matthew Walters, WG

Sarah Hetherington, NRW

Elizabeth Franks, Hafren Dyfrdwy

Rachel Lewis-Davies, NFU Cymru

**Additional Attendees Present:**

Cath Lehane, Assured Food Standards

Moss Jones, Welsh Lamb and Beef Producers (Item 5 only)

Iestyn Jones, Welsh Lamb and Beef Producers (Item 5 only)

Shaun Thomas, DCWW (Item 6 only)

**Secretariat:**

Bronwen Martin, NRW

**Apologies:**

None

## **Item 1 Introductions, Apologies and Declaration of Interest**

1. Zoe Henderson welcomed all to the Microsoft Teams meeting and noted apologies. Please note that the meeting is being recorded for the purpose of capturing the minutes and the digital file will be deleted once the meeting minutes have been completed.
2. No declarations of interest were raised in respect of Agenda items to be considered.
  - NB: All members of the group have completed declaration of interest forms already but should also declare if they have an interest in anything on the agenda.
3. Zoe welcomed the guest presenters to the meeting; Cath Lehane (Technical Manager for Red Tractor, Assured Food Standards), Iestyn Jones and Moss Jones (Welsh Lamb & Beef Producers Ltd) and Shaun Thomas (Biosolids Operations Manager, Dwr Cymru Welsh Water).

## **Item 2 Review of Minutes and Actions**

4. The Chair confirmed that once the meeting minutes have been reviewed and formally agreed by the group, they will be published on the NRW for the public to access. Therefore, it is important that the minutes are an accurate record of the meetings.

5. The group reviewed the previous meeting minutes from 17<sup>th</sup> May 2021. Zoe mentioned that Bronwen Martin, NRW had received some comments prior to the meeting from Creighton Harvey, CFF.
6. Bernard Griffiths, FUW said that Point 34 of the minutes says he is a representative from TFA not FUW.
7. Bronwen Martin, NRW shared the Action Log spreadsheet for the group to review the outstanding actions from previous meetings. The following comments were made:
  - AP March 04: Sarah Hetherington, NRW to provide written suggestion to Spencer Conlon, WG regarding help and support for farmers to determine the right modules to undertake.
  - *Sarah said that she is waiting for Spencer to send her the breakdown of the modules with further detail, so that she can provide some feedback. Sarah said she would follow this up with Spender and Andrew Chambers, Welsh Government.*
  - AP 05 (22<sup>nd</sup> April): Bob Vaughan, NRW to share guidance with the group that states new slurry stores are considered phosphate neutral developments.
  - Ed Davies, NRW said he has spoken to Jackie Walters, NRW. There is new screening guidance on the NRW website for the planners in local councils, which says it will be screened. Ed said that planning colleagues have said that where there is no anticipated increase in phosphate loading from a proposed new structure (i.e. there is no additional stock associated with that) this will be screened out. Where this is not the case, that will have to be demonstrated. Ed is waiting for information to provide to members. Sarah Hetherington, NRW clarified that this is regarding the phosphate and not around screening and totality. Ed confirmed he will send written information out to members when it is available.
  - AP 06 (22<sup>nd</sup> March): Rachel Lewis-Davies, NFU Cymru to talk to Bob Vaughan, NRW regarding setting up a separate meeting to further discuss the SAC report.
  - *Bob Vaughan, NRW and Marc Williams, NRW confirmed that there is a meeting arranged for tomorrow.*
  - AP April 01: Spencer Conlon, Welsh Government to share the update to the FAQ document regarding tenant farmers.
  - Andrew Chambers, Welsh Government said that the document is still being worked on. This document is very technical due to the tenancy legislation so Welsh Government are working with the lawyers to get it finished as quickly as they can and will be shared as soon as possible.
  - AP April 07: Elizabeth Franks, Hafren Dyfrdwr to review the email request from Bernard Griffiths, FUW and provide any additional detail regarding the biosolids process.
  - Liz said she has reviewed the request and as collated some information which she will send out to Bernard this week and close this action down.

## Item 3 Matters Arising

8. This provides an opportunity for the group to discuss any matters arising from the previous meeting minutes, report significant information, provide comments or discuss any relevant subjects.
9. The chair mentioned that there was a helpful discussion during last month's meeting regarding the Terms of Reference document. The team have put together the proposed final version and Zoe asked the group if there were any other concluding comments on the document.

Fraser McAuley, CLA clarified that 'CLA' is 'Country Land and Business Association'.

Zoe said that if no other comments or queries are received following this meeting, the members will adopt this document as the final Terms of Reference for the Wales Land Management Sub Group on Agricultural Pollution.

10. Katy Simmons, NRW mentioned that a guidance document for the WLMF Sub Group Newsletter Publication was sent out prior to the meeting and hoped to get it signed off by the group at today's meeting. Katy said that Ed Davies, NRW has sent out an email with the articles which have been submitted so far and a draft copy of the Newsletter will be sent out shortly once it has been uploaded to the template.

Katy mentioned that members were asked to vote via a poll for their most preferred name for the Newsletter or suggest alternatives. There is currently a draw with the same number of votes for two prospective names:

- Pollution Free Farming
- Our Land

Katy asked the group whether they wanted to cast a final vote on these two names. Zoe suggested that the group do not necessarily need to agree a name today, but it will have to be decided soon so that the first issue of the newsletter can be published.

Creighton Harvey, CFF mentioned that he suggested another alternative name 'Our Land, Our Water & Our Air'. Katy said there were three alternative names proposed by members including:

- Our Land, Our Water & Our Air
- Pollution Free
- Sustainable Farming

Katy said she would be happy to circulate these other suggestions and give members another week to decide. Chris Mills, WEL said he suggested one of the alternatives but wanted to make a point that perhaps we should stay away from the word 'pollution' as it has all sorts of connotations and assumptions associated with it. A more positive, upbeat and encouraging name for the newsletter should be chosen. Zoe agreed with Chris but mentioned that 'sustainable farming' might encompass more than what the group are going to be delivering. Sarah Hetherington, NRW agreed with Zoe and said

that the space around sustainable farming is going to get more complex in the next few years, with sustainable land management being the framework around the potential future direction mentioned in the White Paper back in December. Sarah also agreed that the name of the newsletter should be a positive one.

Bernard Griffiths, FUW mentioned that whatever name is agreed it should be a bi-lingual title, other ways it will not reach 100% of farmers in Wales as there will be a certain percentage who will not pick it up. Katy confirmed that the title and the whole newsletter will be bi-lingual.

Zoe asked the group if there was general agreement that the title should not include the word 'pollution'. Several members agreed with this recommendation. Zoe mentioned that the other name which was popular was 'Our Land' and asked members for their views on this proposed title. Sarah Jones, DCWW said she liked 'Our Land' as it is quite short and snappy. Dennis Matheson, TFA mentioned that 'Our Land' does actually belong to somebody. Ruth Johnston, NRW acknowledged that the group does not want the title to mention 'pollution' but 'Our Land' does not necessarily focus on the topic of perhaps farming more cleanly. Zoe suggested that there may be some other possibilities like 'Clean Land and Water' or 'Clean land, air and water' which focuses on the positive. Ruth mentioned that maybe 'farming' needs to be in the title for the right people to pick it up and read it. Katy said this discussion is helpful and that she would have another think of some more potential title option to put forward. The group will then be given a week or so to vote and settle on a title so that this can be sorted before the next meeting. Ruth suggested 'Farming for the future' and 'Farming for the environment'.

Katy asked the group whether anyone had any comments regarding the newsletter guidance document. Katy shared her screen and went through the key points within the guidance document. Sarah Hetherington, NRW asked whether there is a dedicated stakeholder list owned by the WLMF Sub Group and how will GDPR be met. Katy said there was a stakeholder list when the newsletter was previously running but would have to check how it was used before. If can certainly ask people whether they would be happy to receive the newsletter but initially we would look to send it out via ourselves if you would all be willing to send it out to stakeholders who you already work with and think they might be interested in it. Slowly we might see the direct subscription increase then. Ruth asked whether there could be a note in the first newsletter issue to say something like 'if you do not wish to receive this again, please let us know'. Zoe agreed, like an opt-out option for those who do not want to receive it. Katy said yes, something like this could be included.

Katy said that the articles are going to be put into the template and can be circulated as a draft for members to comment on. Ed Davies, NRW thanked all those people who sent articles across. Ed said it is important to note that the success of the newsletter will rely on everyone helping and supplying information.

11. Zoe asked whether there are any other topics to bring up during this item. No other topics were raised by the members.

## Item 4 Red Tractor Presentation

12. The Chair welcomed Cath Lehane to the meeting. Cath is the Red Tractor Technical Manager at Assured Food Standards.

13. Cath shared her screen and began by providing an overview of the Red Tractor scheme:

- Red Tractor is independently verified as a world-leader in food chain assurance
- Created in 2000 to reassure consumers that British food was safe and responsibly produced ... today it underpins the claim “British agriculture has some of the highest production standards in the world”
- Every major Retailer & Foodservice operator and many leading UK Brands insist on Red Tractor for their British buying specification and due diligence for primary produce
- 46,000 farmers are Red Tractor certified & the logo appears on £14bn of UK Food & Drink
- Standards for the entire food chain are based on science, evidence, legislation, best practice and consumer demand and apply to all agricultural sectors (except eggs & fish)
- Compliance is delivered through independent Certification Bodies accredited to ISO 17065 by UKAS
- A not-for-profit organisation, operating independently and employing approx. 25 staff
- Owned by the NFU, NFUS and UFU, AHDB, Dairy UK & BRC
- Circa 75% of total UK agriculture is Red Tractor certified

14. Cath described the scheme standards. Red Tractor own and develop the following standards:

- Farms:
  - Beef and Lamb
  - Dairy
  - Pigs
  - Poultry (Chicken, Turkey & Ducks)
  - Fresh Produce
  - Combinable Crops & Sugar Beet

- Post-Farm gate:
- Livestock Auction Markets & Collection Centres
- Livestock Transport
- Meat & Poultry Processing

15. Cath outlined the scope of the standards including:

- Food Safety
- Traceability
- Animal Health & Welfare
- Environmental Protection (importantly to note that it is not 'enhancement')

16. The standards are developed by RTA Technical Advisory Committees (TAC's) which are made up of qualified experts and experienced stakeholders.

17. Cath outlined that the standard has a:

- Review every three years
- Consultation - giving key stakeholders an opportunity to comment
- Continuous engagement with stakeholders including retailers and food service customers, industry supply chains and farming unions

18. The geographical scope of Red Tractor is a slightly complicated picture as they cover different countries for different schemes and have mutual recognition agreements with some of the other farm assurance schemes in other countries. In summary we have UK coverage either through the Red Tractor schemes or through mutual recognition in all sectors except Combinable Crops. The following is an overview:

- Broiler chickens: UK
- Produce: UK
- Dairy: UK
- Pigs: England, Wales, NI (QMS has mutual recognition)
- Crops: England and Wales (Scottish Quality Crops operates but no mutual recognition)
- Beef cattle and sheep: England (Mutual recognition with FAWL, QMS & NIFQAS)

19. Cath said that in terms of equivalency and mutual recognition:

- Standards benchmarking – between own scheme and mutual recognition schemes
- Currently developing a framework on operational benchmarking
- .... but always going to be some differences – looking to demonstrate equivalent outcomes rather than exact equivalency

20. Cath talked the group through the membership details for Wales:

- Chicken = 114 total membership and 114 total sites
- Crops = 216 total membership and 262 total sites
- Dairy = 1474 total membership and 1565 total sites
- Fresh produce = 28 total membership and 34 total sites
- Pigs = 32 total membership and 32 total sites
- Turkeys = 9 total membership and 9 total sites
- Total = 2274 total membership and 2523 total sites

21. Cath outlined the certification process for the group:

- Red Tractor sets standards based on science, evidence and legislation
- Red Tractor licenses the standards to independent Certification Bodies (CBs)
- The CBs undertake assessments and certify farms and the supply chain
- Farmers (except dairy) can choose between CBs, however, the assessments are identical
- The farm is assessed by the CB annually (18 months for livestock to see different seasons)
- If the assessor finds non-conformances, then the farmer will be advised and has 28 days to correct them
- Dependent on the number & nature of non-conformances the farm may be categorised as requiring an unannounced audit
- When the farm passes, the CB notifies Red Tractor and issues an assurance certificate to the farmer

22. Cath mentioned that a 'Risk-based Approach' was started about 3 years ago:

- Previously every farm was "treated equally" ...



- Annual inspection – non-conformances closed out in 28 days – Annual inspection
- However, some farms had zero non-conformances, some had 20
- Leads to frustration “why is Joe Bloggs assured when his farm is \*\*\*\* ”
- And there are some farms that are consistently non-complying
- Based on outcome of routine assessment (not past history)
- The standards have been weighted based on reputational risk
- Member categorised according to nature and number of non-conformances
- Unannounced spot checks for poor performers, at member’s cost

23. Cath showed the group the variety of logos that Red Tractor have had over the years. Traceability challenges are used throughout the supply chain. If you wanted to use the logo you have to pay a licence fee which funds a programme of traceability challenges.
24. Cath summarised the current Red Tractor earned recognition agreements. An example includes the Pollution Prevention and Control regulation with the Environment Agency (EA). This is where the permitting is done for pig and poultry units, Red Tractor carries out the permitting audit for the EA, so rather than them visiting twice a year Red Tractor carry out the audit during their annual Red Tractor assessment
25. The Chair thanked Cath for her interesting and detailed presentation and welcomed questions from the group.
26. Bob Vaughan, NRW said that NRW is an assured organisation as NRW have an assurance on its woodlands and are very proud of it. Bob mentioned that equally farmers are proud of their assurance and asked why they not use the logo or detail of it at a farm level. Cath said that for a while there was an opportunity for them to have farm signs, but there is a concern where members are not assured anymore and continue to use the logo and signs because we cannot keep track of it. Cath mentioned that there is a certain level of logo use at the farm level but they wouldn’t allow them to put it on their products unless they were paying for a licence and therefore a traceability challenge (for example selling in their own farm shop).
27. Ed Davies, NRW said regarding the organisations in England that Red Tractor have earned recognition with, do they ever send assessors with certification bodies to quality assure those inspections which are being conducted. Cath said yes but not officially. There is not an official arrangement in place where, in order to keep this earned recognition in place we will come out and check this number. But they will often send people out for interest, new staff training or to check up as an earned recognition assessment is being set up.
28. Creighton asked that a copy of the presentation is circulated to the group, Cath agreed this would be fine. Creighton recalled that Cath had said with regards to Dairy, the person who appoints the inspector is the first purchaser. Cath said not the inspector but

the certification body which carries out all the certification. Creighton gave an example, if he was First Milk and the first buyer then he would appoint the certification body; Cath agreed that this would be correct. Creighton asked whether Cath could supply details regarding the appointed certification bodies in South West Wales. Cath said maybe they would be able to but suggested that Creighton could sign up or register to the free online checker system. The checker system can tell you who the certification body is for a particular farm. Creighton asked if this is available for any member of the public, Cath confirmed anyone can sign up to the online checker system.

Creighton recalled that Red Tractor have four main standards; animal welfare, food safety, traceability and environmental protection. Creighton mentioned that under environmental protection, Cath specifically said it was environmental protection not enhancement and asked her to explain this further. Cath said they would not cover things that are covered by some of the agricultural environmental schemes or tree planting. It is about protection, so it is largely about things like SSAFO regulations and for combinable crops and fresh produce it covers things like pesticide use and fertiliser use.

Creighton said that the map shown in the presentation suggests there may be a correlation between pollution incidents and the concentration of Red Tractor farms located in South West Wales. Creighton asked Cath how successful the Red Tractor scheme is if there is a correlation between high number of your members and a high number of pollution incidents. Cath said that Red Tractor know there is an issue and it is something they are trying to work on improving. Red Tractor would like to develop an information sharing agreement where information regarding pollution incidents are reported to us. Red Tractor has been working with the EA in England and asking them to share pollution incident information. Red Tractor goes out once a year or once every 18-months and if a pollution incident has occurred and the farmer has not been prosecuted, Red Tractor will not know about it. If a pollution incident has occurred and there is no visible evidence, then our assessor will not pick this up. Cath said that she has mentioned to NRW that Red Tractor would welcome information about pollution incidents so that they can follow it up. If they are not aware of the pollution incidents, then they cannot do anything about it. Creighton suggested that the NRW people in the meeting could note that and work with you to make sure you are aware of the pollution incidents and perhaps Welsh Government could also note this because there is a large gap in the system.

Creighton said that the 'Axe report' was an Environment Agency report where a total of 86 farms were examined over the course of three years, with 82 of those recorded as non-SSAFO compliant. Creighton recalled that Cath had already mentioned that Red Tractor check for SSAFO compliance. Creighton mentioned that it is disappointing if you have 82 out of 86 farms are non-compliant with SSAFO and you said you check for SSAFO compliance, and asked Cath what she has to say about it. Cath said that Red Tractor do not check for all of the SSAFO regulations. They started checking for more specific SSAFO requirements on slurry storage in 2017 which caused the EA a huge number of problems because those farmers who were not SSAFO compliant were contacting the EA for assistance. Cath said that at that time the EA requested that Red Tractor stop checking these such detailed slurry storage requirements because they basically could not deal with the number of queries they were receiving and didn't know how to help farmers improved their compliance. Cath said this is something they started doing and then EA were not keen for them to continue doing until there were

grants in place to try to improve slurry storage. Cath said Red Tractor have been working with them ever since to try to improve through the scheme. Cath said they know there is a problem, but they are working very closely with the EA and would be very happy to do the same with NRW going forward.

Creighton said that it is concerning that Cath has said that Red Tractor deal with environmental protection as one of their aims. Surely environmental protection should be foremost in an inspector's mind and that information should be gathered in any event because you are an independent scheme supporting the industry. If one of the Red Tractor standards is environmental protection, surely you should be inspecting it whether the EA want it or not. Cath said that this is something Red Tractor really want to improve but they go out once a year but if issues are not seen at this time and pollution incident information is not shared, Red Tractor cannot follow it up. Cath said Red Tractor is doing the most they can within their annual inspection to improve the situation. Cath suggested that the biggest impact that they can have is through information sharing rather than changing the standards. The assessors check the standards and mark up a 'conform' or 'does not conform' but if there are pollution incidents occurring at any other time outside of the inspection period, then they cannot do anything about it.

Creighton asked whether the inspections are carried out throughout the year or at the times of the year which pollution is most likely (i.e. December – February). Cath said the inspections are carried out at all times of the year and scheduled every 18-months. So, they cycle through different times of the year and seasons for dairy, beef and lamb. For the other schemes, it is carried out annually between a 9-month and a 14-month period, so it does flex for the inspectors to visit at different times of the year.

Creighton mentioned that Cath has spoken a lot about the Environment Agency and asked Cath how would she describe Red Tractor's relationship with NRW and how she sees it in the future. Cath said that Red Tractor and NRW have started to develop a much closer relationship over the last few months. There have been a few meetings and the mention of another one soon, so hopefully this is the start of having a better relationship and talking to each other more going forward.

Bob Vaughan, NRW mentioned that NRW are also keen to take this forward. The idea of assurance is a really key element of what we are trying to progress and so we have been having meetings with Red Tractor. Zoe said it is important to continue to develop the relationship between NRW and Red Tractor.

29. Fraser McAuley, CLA said that a common issue which comes up with their members is regarding how they can monitor carbon emissions and carbon accounting. Fraser asked whether there are any discussions within Red Tractor about some kind of agreed standard which might be useful across farms. Cath said that its very tricky because there is not one agreed methodology out there. There was a discussion about whether Red Tractor should include it in the review round which they have just had because it was seen as too soon and too challenging to put it in as a requirement for everyone at once. Cath mentioned that coming out of the review period, it has been agreed that the whole environment standards will need to be re-reviewed again because there are a lot of changes going on. Whilst we feel that we have done the best we can with the environmental protection standards for Version 5, there is probably more work to be done. Perhaps we need to develop a separate bolt on which some members would

sign up to and some might not, and this area would be somewhere where we could start testing carbon measurements.

30. Chris Mills, WEL mentioned that he thought it was damning that the EA asked Red Tractor to back off in terms of inspections on SSAFO, if the regulator cannot carry out its statutory function then it is a very poor show. Chris said that farm assurance has its purposes, but he does not think people can rely on farm assurance for protecting the environment through the statutory mechanism, it is not an alternative for regulation. Chris said he does not agree that this is the way forward, we need a regulator and actually apply the laws and make sure they are complied with. Cath said that none of the earned recognition agreements replace regulation, they are more of a close working relationship where information is shared where it is needed. Cath clarified that the EA did not ask Red Tractor to row back on SSAFO as a whole, but on slurry storage capacity. They wanted them to continue to assess, which they did, but to allow members significantly longer time to correct/to develop a plan for expansion. They were working hard to get grants in place for storage at the time, which will now be available under ELM.
31. Bernard Griffiths, FUW asked whether Red Tractor carry out any analysis of compliance and non-compliance across the different sectors and assess the size of the enterprises. Bernard said the FUW mainly represents family farmers and they get the feeling that whatever the assurance scheme, the smaller family run farms do find it a challenge to comply. Cath confirmed that Red Tractor do carry out compliance and non-compliance analysis but do not tend to fix it onto size of farms. Bernard suggested that the demographics around the data would be well worth looking at.

## Item 5 FAWL Presentation

32. The Chair thanked Moss and Iestyn from Welsh Lamb and Beef Producers (WLBP) for joining the meeting today.
33. Moss shared a presentation and began by giving an overview of Welsh Lamb and Beef Producers (WLBP):
- An agricultural cooperative of 7,200 Welsh farmers
  - Owns the Farm Assured Welsh Livestock scheme (FAWL)
  - Welsh Organic Scheme
  - Member of Iechyd Da vet consortium
  - Certification body, Quality Welsh Food Certification Ltd (QWFC)
34. Moss discussed the Quality Welsh Food Certification Ltd:
- Accredited by UKAS to ISO17065 standard
  - Inspects over 5,000 Welsh farms annually
  - Staff of 18 plus 32 assessors

- Runs joint assessment with Assured Food Standard's Red Tractor dairy scheme
- Earned Recognition from Food Standards Agency
- Primary Authority Partnership

35. Moss gave a background of FAWL & other assurance schemes:

- Formalising a framework agreement with QMS(Scotland); LMC (N Ireland) and AFS (Red Tractor)
- Undertake joint assessments when relevant
- Brexit & devolution leading to more regulatory divergence & inspection regimes
- Commercial landscape focused on minimising reputational risk, maximising differentiation

36. They have standards to assess and, in this case, it is the FAWL standard, Moss gave an overview of QWFC & ISO17065 Certification Structure:

- Standard to assess
- Quality Management System
- External ISO17065 accreditation - UKAS
- Inspectors
- Certification Officers
- Technical Advisory Committee
- Governing Board

37. The current FAWL environment standards:

- General appearance
- CoGAP
- Competence
- Management plans or policies
- Storage facilities
- Application
- Waste disposal
- Sheep dipping

38. Iestyn gave an overview of a survey they conducted. The data is from nearly 2,500 assessments conducted between July 2020 and December 2020 and then adding the five weeks from February to the end of March (their working year). During that period for the environmental standards that they measure, there were 530 non-conformances. Over 200 of those were in relation to 'fuel storage', primarily regarding fuel tanks which were not up to current regulation standard. There were 38 non-compliances related to 'general appearance', 62 non-conformances were related to 'plastic waste disposal', 20 non-conformances were for 'uncalibrated PPE equipment', 41 non-conformances for 'manure and slurry storage issues' and 9 non-conformances for 'poorly stored potential pollutants' for example chemical stores etc.

Iestyn mentioned that there is a differentiation between 'risk' and 'seriousness', and they have an internal process which deals with this. Iestyn recalled one particular case where they found some serious issues regarding storage and not meeting the requirements. At the time, this farmer was visited, and serious non-compliance was observed. In this case, the farmer was immediately suspended which lasted for three and a half months. During this time FAWL put forward proposals for what the farmer had to do and asked the farmer to engage in a process of creating a plan because it was not something which could be fixed overnight and needed to have a longer term solution. The farmer came forward with their proposals and since last year they have been under a FAWL regime where quarterly visits are conducted at short notice (at the cost of the farmer) for the next three years. Whilst the farmer initially non-complied quite seriously, FAWL are continually monitoring the situation with the farmer supplying updates. The farmer has also had to engage with the Local Authority and NRW to gain information and advice to help with better management. Iestyn said the farmer also worked with their farming Union to put the proposals together which will hopefully now benefit them in helping them become compliant.

39. Moss mentioned the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and the new FAWL standards from 1 Oct 2021:

- FAWL standards amended to be more aligned with the new regulations
- New requirements in regulation to be introduced as 'should' and not 'must' - to inform & raise awareness
- Training programme for assessors over summer/autumn
- Introduced 1st Oct 2021; implemented 1 Jan 2022

40. Moss concluded the presentation by discussing future issues and evolution:

- Water Regs para 45 (1) & (2) - Alternative Measures
- Risk-based assessments
- Earned Autonomy/Recognition
- Future support systems
- Trading threats & opportunities

41. Moss also mentioned pressures like adequate funding and resources for the regulator, commercial pressures which farmers are under, demands from consumers, production, competitiveness and mindsets.
42. Creighton Harvey, CFF recalled that Moss had mentioned that the farm inspectors are becoming younger and asked whether this correlates with less experienced farm inspectors. Moss said no not at all, the fact is that it is good to have a profile of assessors which range from people who have come out of college a few years ago and have experience. These people bring a new energy and it is important to attract a variety of people with different experience and qualifications. Creighton asked what percentage of the inspectors are under the age of 30. Iestyn said he would have to go into the database to find out, but they have a profile of different aged assessors. Creighton said he would like to have the figures for this query, because there has been a problem with NRW having difficulty retaining staff and when they are carrying out inspections they are often conducted by inexperienced inspectors.

Rachel Lewis-Davies, NFU Cymru noted, with respect, it is not age, rather than experience and training we should be talking about. Ed Davies, NRW wrote that age is not a barometer for experience.

Creighton mentioned that Moss had said that NRW are not properly financed to carry out examinations and asked Moss whether he has any concerns about the effectiveness of NRW's examinations on farms. Moss said this is not criticism of NRW. Creighton said he asked a specific question as Moss had raised the issue saying that NRW are not properly funded to carry out the examinations, which is a question between NRW and Welsh Government. Creighton asked Moss again whether he has any concerns about the effectiveness of NRW examinations which caused him to raise this point. Moss said yes, he had concerns. Creighton asked Moss to explain why he raised the point regarding NRW not being properly funded to carry out examinations. Moss said that clearly, we must address the problem and we all need to change our mindsets. Moss said that we must accept that there is a problem and we must do something about it. Creighton asked Moss what problems he had specifically. Moss said water pollution. Creighton asked as an organisation that carries out inspections, what difficulties do they have. Moss said as Iestyn explained earlier, currently there are a significant number of non-conformance cases against the oil regulations which are related to inadequate bunding and often hoses are left outside of the bunding. Moss mentioned that there are tenant farmers having disputes with their landlords regarding the quality of their storage facilities that they need now, never mind what they will need in the future. Creighton asked Moss whether they have difficulty accessing all areas of farms when they carry out inspections. Moss said only if they are under time pressure. Creighton asked how often does that happen. Moss said he would not be able to tell how often that happens but if the inspector came across an issue during a part of the assessment for example an issue with stock, they would spend more time on this issue and are then more likely to spend less time on other aspects such as environmental concerns. Creighton asked so there are circumstances where an inspector would spend less time than they should on environmental matters. Moss said it is inevitable.

Moss suggested that Chris Mills' details are shared so that he can contact him directly to discuss any queries he had.

**AP June 01: Bronwen Martin, NRW to share Chris Mills' details with Moss Jones.**

43. Dennis Matheson, TFA mentioned that he was glad that Moss picked up on the difficulties which tenant farmers face. Dennis said that a presentation was given at an executive meeting few years ago by Mr Jim Moseley which is the CEO of Red Tractor. One of the things discussed was that there is a problem that some farmers do not like Red Tractor because they do not get a premium and do not get paid more for what they produce. One reason that farmers joining the scheme is because some of the abattoirs will not take stock unless it is farm assured, other ways they would have to take it to market where it does not matter. However, if there is a shortage the abattoirs often buy direct from the market assured or non-farm assured.

Dennis mentioned that a he has been contacted by Dunbia as they wanted to carry out their own farm assurance inspection because they did not trust the Red Tractor or FAWL inspections. They have their own team and selected five farms in Wales to visit. The inspector had previously been a meat inspector in a kosher abattoir, and he said it was the most horrific environment and questioned the methods when British farmers are so tightly regulated.

Dennis said there was a question regarding the competence of one of the inspection bodies; SAI Global. They have decreased the ability to handle paper forms. Dennis explained that prior to Covid, his farm assurance was suspended because they had not received a form to confirm that he wanted to continue with the scheme, even though it was sent recorded delivery. Dennis was told that they were having difficulty with their post. An inspection was arranged, and Dennis was notified of a non-compliance due to not having a feed label which was greater than one year old. Dennis sent for one by registered post but did not received it. During last years' inspection Dennis was told by the inspector that that was incorrect, and he did not have to have it over a year old. Therefore, there is a discrepancy with the inspectors interpreting the rules differently.

Dennis recalled that Moss had briefly mentioned the trade deal. During the last election the Conservatives pledged that they would never let any agricultural produce below British standards into this country, but they were never going to abide by that. Dennis mentioned the various differences in standards in other countries compared to the UK and said that the public should decide what they want.

Cath confirmed that Red Tractor work with SAI Global and consistently carry out Key Performance Indicators (KPIs) to improve. Cath said that they work really hard to improve the inconsistencies between different assessors and there is a new team within Red Tractor who work on compliance and focus on assessor training. Regarding premiums, Cath said if 95% of the agricultural industry is assured there will not be a premium because it will be a requirement to sell into market.

44. Chris Mills, WEL said that there is a situation where the assurance bodies have considerable resources to inspect which is where the regulators have a problem. We should not expect the assurers to become the regulators but there really should be some discussion between the assurers and the regulators to see where they can make best use of the resource.

## **Item 6 DCWW Biosolids Presentation**

45. The Chair welcomed Shaun Thomas, Biosolids Operations Manager for Dwr Cymru Welsh Water to the meeting.



46. Shaun shared a presentation and noted that he had received some specific questions prior to the meeting which he would address during the presentation.

47. Shaun gave an overview of what 'biosolids' are and the associated process:

- Final treated product of waste water treatment
- Also called Sludge, Cake, Sewage Compost
- Over 800 sewage works – transported to 28 main Sludge Treatment Centres for thickening prior to treatment at one of 4 Advanced Anaerobic Digester sites
- 110,000t of Biosolids produced per year
- digestion process produces biogas, which we use to turn either into renewable electricity or green gas.
- Treated to an Enhanced treatment standard
- 100% of biosolids are recycled to agricultural land
- Rich in Phosphate, Organic matter, Nitrogen, Sulphur, Magnesium
- Very low odour compared to conventionally or lime treated Biosolids

48. Shaun showed the location of the Advanced Anaerobic Digester sites in Wales. Potential customers should fit the following criteria:

- Located within 60-mile radius of site
- Winter storage potential
- Low P Index
- Organic Matter requirement
- Collaborative approach

49. Shaun gave a brief overview of the [Biosolids Assurance Scheme](#). The Biosolids Assurance Scheme was introduced in 2016 and intends to provide reassurance to the food chain and consumers. It encompasses all rules and regulations around best practice including the Sludge Use in Agriculture Regulations (SUAR), Safe Sludge Matrix (SSM) which is regarding pathogens and the Biosolids Nutrient Management Matrix (BNMM) which is related to phosphate and how it is applied. DCWW have many internal processes and procedures to ensure compliance. Regular auditing is carried out by external auditors NSF and DCWW has been described as 'industry leading' in terms of compliance during the audit process. A neighbouring water company has recently lost their BAS accreditation, which proves the seriousness of the audit process. Further information on the independent external audit by NSF can be found on their website - <https://www.nsf.org/>

50. Shaun described the Biosolids to land process from a farmers' perspective:

1. Farmer contacts DCWW Biosolids Team – farm visit arranged.
2. Farm visit to assess suitability of farm for biosolids
3. Farmer provides maps and indicates which fields need soil sampling
4. Biosolids Team carry out soil sampling and field risk assessment for required fields
5. Soil results reported to farmer indicating which fields can receive biosolids and application rates, biosolids order placed
6. Tipping site assessed for suitability by haulage contractor
7. Biosolids delivered
8. regular stockpile inspections to monitor stockpile stability by DCWW until biosolids spread – complete spreading required within 12-months of delivery
9. Once spreading is complete, DCWW arrange farm visit to record spreading dates and tonnage applied. Future biosolids requirements are also discussed.

51. Shaun mentioned that DCWW carry out environmental assessments prior to soil sampling where an Agricultural Technician gathers information in field and desktop:

- NVZs, SSSIs, conservation areas, SPZs
- Watercourses, powerlines, gas pipes, water supplies, public ROW, topography
- Proximity to property, business, recreational areas
- Crop type, Soil type.

52. Shaun said that DCWW gather information when they visit farmer to extract farmer knowledge of land. The information collated from the desk study and from the farmer is then verified during the soil sampling visit. Field maps are then created and annotated with the information (e.g. location of watercourses, buffer zones, highlighting powerlines, ancient monuments, NVZs etc)

53. The farmer would receive an information pack with the following:

- Biosolids booklet
- Sludge Analysis
- Soil Analysis
- BAF 009 Land Suitability and Spreading Document
- Maps
- Spreading guidelines

- Maximum Application rates based on Biosolids Nutrient Management Matrix guidelines.

- The farmer would also sign a customer agreement form.

54. Shaun said that before any delivery, DCWW send notifications to NRW/EA and the Local Authority:

- Email sent to key stakeholders NRW/EA and Local Authority for each application of Biosolids
- Format agreed with NRW during annual workshop
- Providing farm details and field maps with NGR
- Requesting details of any additional risks i.e. private water supplies or any concerns/queries
- No spreading for 10 working days to allow time for response and collaboration on any issues i.e. amending field maps to introduce more no spread zones etc.
- S3 waste exemption: storing sludge – registered with NRW/EA
- The S3 waste exemption lets you store sewage sludge at a site where it will be used in accordance with the Sludge (Use in Agriculture) Regulations 1989.
- Providing exact location of stockpiles

55. Shaun said that DCWW have developed a stockpile tracking IT solution:

- Automated system updates daily
- Each stockpile location captured
- White dot = historic stockpile location
- Yellow dot = current stockpile, with recent inspection
- Red dot = current stockpile, inspection required within 2 weeks
- Ensures regular stockpile inspections to confirm stockpile integrity
- Collaborative effort

56. Regarding The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, Shaun said that the most important thing for DCWW is compliance and making sure they have success in the audits and do a good job of recycling biosolids in a compliant and efficient way.

Shaun said DCWW are already compliant as they are already adhering to many regulations including 250 kg N/ha limit. DCWW have identified new areas for

improvement and have introduced a new farm assessment, accounting for all organic manure on farm

57. The main challenge for DCWW as a company comes into effect 1st January 2023, which is in relation to 'Temporary field sites', specifically 'Clause d' which states 'a temporary field site must not be located in the same place as an earlier one constructed within the last two years'. So essentially, DCWW require a two-year gap between stockpiling on the same footprint.

Shaun explained that stockpiling and logistics in the summer is easy and has less risk, but winter stockpiles are tricky to deliver to and are higher risk and requires:

- Hard standing
- Bunded
- Lorry access

DCWW are looking at additional winter storage options that will come at considerable cost.

58. Shaun gave an overview of the longer-term direction of travel:

- A great deal of focus on Agriculture, organic manure applications and Biosolids recycling
- EA Sludge Strategy, Farming Rules for Water etc
- DCWW invest in 5-year (AMP) cycles
- Investment in innovative drying technology being proposed to;
  - Reduce volume, to reduce storage requirement and reduce transport costs
  - Reduce our carbon footprint
  - Improve stackability in the field
  - In preparation for alternative disposal processes or use as a fuel
  - Prevent pollution
  - Increase resource recovery options
  - Make it attractive to other users

59. Bernard Griffiths, FUW said he had raised concerns regarding the extra challenges these new regulations will mean for DCWW. The changes these regulations will bring mean that DCWW may not have access to the quantity of farms that they used to. Bernard asked whether DCWW will have a challenge regarding the total capacity of biosolids and will they be able to get them out as they did before these regulations as potential problems regarding storage was mentioned during the presentation. Bernard

also wondered what the utilities industry thought of the regulations in whole. Bernard acknowledged that it was good to hear Shaun talk about innovation and potentially drying the solids to produce a 90% granules and he wondered whether they could work alongside the project in Gelli Aur to help farm slurry to be treated in the same manner.

Shaun said with regards to the ongoing recycling there is likely to be a restriction in uptake and the new regulations impact on certain farms and therefore those farms are not an option for DCWW anymore. Shaun said that with the hard work of the team they can pick up new customers and may potentially mean that they will be travelling a bit further than they were previously. Shaun said there will be challenges and new additional costs like additional haulage costs. The most important thing for DCWW is compliance. Shaun said it is a shame that for existing farms which have really good storage areas with hardstanding and bunds, these will only be allowed to be used once in every three years. Therefore, they may have to stockpile on fields at these farms which is less environmentally secure.

Shaun said regarding Gelli Aur, the people in the DCWW innovation team have had close links with Gelli Aur. If the drying process gets off the ground, there may be scope to explore and collaborate with others.

Bernard said that it seems as though the unintended consequence is that the regulations are trying to reduce the risk of on farm but it is increasing the risk in the areas where DCWW will be having to move the storage sites more often and then they may have less protection. Shaun said that he understands that the regulations intend on preventing them from overloading the footprint of the stockpiles by using the site year after year.

60. Ed Davies, NRW asked how often the stockpiles are inspected. Ed also asked with regards to the new regulations, have DCWW investigated whether there is potential to stockpile on their existing sites with a larger quantity.

Shaun said that the frequency of stockpile inspections is set at 6 weeks, so if it has not been inspected within 6 weeks then the dot on the map turns red and then they have a couple of weeks to carry out the inspection. Essentially, as a minimum every stockpile is inspected every two months, but that frequency will be altered if there is adverse weather like a storm event and if any mitigation is applied.

Shaun said with winter storage, there is some storage on site but it's not a great deal. If you consider the volume annually produced across the four sites, it's a considerable amount. DCWW are actively looking for suitable winter storage facilities, ideally with a roof on it to keep the material from the elements and prevent potential pollution problems.

Ed asked what the custody type arrangement for the stockpiles is and where does the risk and responsibility lie once it is in the field. Shaun said DCWW accepts full responsibility for the biosolids material up until it has actually been successfully spread. So, if there are any issues with the stockpiles DCWW will arrange the mitigation and pay for it.

## Item 7 Small Business Research Initiative (SBRI) Discussion

61. Marc Williams and Ed Davies NRW lead a brief discussion on the Small Business Research Initiative (SBRI). Previously some challenges were identified, and Marc wondered whether the group wanted to take any of them forward by discussing them with Gareth Browning (SBRI Team, Welsh Government). The majority of the funding would be through the SBRI Welsh Government team but there would also be some additional funding which would need to be sourced.

62. Ed briefly outlined the concerns and challenges:

Concern 1: 'To make monitoring technology and data derived understandable and easily delivered to farmers in a cost-effective way including soil mapping data to be easily accessible'.

Challenge 1: 'Providing farmers with the data and information to enable them to manage their land sustainably and provide open access and easily interpreted soil conditioning information'.

Concern 2: 'How to deliver an education package for the next generation of farmers on pollution issues and nutrient application to land'.

Challenge 2: 'Helping land managers make the correct choices.'

***AP June 02: Ed Davies, NRW to email members with details regarding the challenges and concerns identified so that members can consider the SBRI opportunities and suggest ideas.***

63. Dennis Matheson, TFA asked if this was regarding the presentation given at Bangor. Bob Vaughan, NRW confirmed that this is related to that discussion.

64. Sarah Hetherington, NRW mentioned that looking at the future and the climate change requirements, waste products need to be recycled to land rather than using virgin fertilisers. The key aspect of this problem is that they come as a bundle of nutrients which means that if we want to meet soil and crop needs, we need to be able to use them in an effective way to meet the crop and nutrient requirements and not overload them. So how do we achieve using those products to meet the flexibility of what the land needs.

***AP June 03: Bronwen Martin, NRW to add SBRI discussion to the agenda for the next meeting.***

## Item 8 Brief Welsh Government Update and alternative measures discussion

65. A brief update was given by Spencer Conlon, Welsh Government regarding the recent Senedd debate. The main message is that nothing has changed regarding The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. If something does change in the future, those changes will be clearly communicated. Farmers still need to take action by the key dates outlined in the regulations.

66. Marc Williams, NRW asked whether the members wanted to make a decision regarding working together on a proposal for alternative measures.
67. Spencer said that it has been made clear that this is a time limited opportunity with a specific period permitted to submit an alternative measure so the group should make the most of the time available and progress.
68. Dennis Matheson, TFA noted that they still have not received the FAQ document regarding guidance for tenant farmers and asked when they could expect to receive it. Spencer said that they would provide a draft of the document, subject to legal advice, by the end of the week.
69. Chris Mills, WEL asked whether changes to the regulations resulting from this exercise would result in further consultation. Spencer said he has asked the question internally and is awaiting a response.
70. Bob Vaughan, NRW said that because of the announcement in the Senedd, did Spencer anticipate whether the timetable would be escalated and done quicker than the 18-month schedule. Spencer said there are no current plans to change the implemented timetable.
71. Fraser McAuley, CLA said it seems as though the review by the Senedd committee will require evidence from individual organisations which will be more about the potential impacts of the regulations as they are on the various members. The second stage appears as the review of the regulations in 18-months would be the time when these alternative measures. If that's the case, we would have to review which aspects of the regulations we could live with and highlight those specific areas which are causing the issues and focus on them.
72. Zoe said she thought a small group should look at potential alternative measures. Could a small group spend some time on developing the evidence to show that an alternative measure is better than the existing.
73. Bob asked whether this group as a whole is happy to commission that work to be done and respond to the challenge. We could look at what we have done before and the results and explore possibilities. Members agreed with Bob. Chris said that the small group needs to be balanced with a range of different viewpoints. Bob agreed and said that would help to have a well-rounded response. Chris said that Spencer has said it is time limited but what is that. Spencer said it is 18-months from the 1<sup>st</sup> April 2021. Bob suggested the group would have 12-months to figure this out. Creighton said the small group needs to have a conscience to make sure it does not go down one avenue and support both the interest of the industry and those who look more objectively at what is happening in the rivers.
74. Zoe suggested Marc and Ed could put together a small group and start the process by coming up with some ideas.

***AP June 04: Marc Williams and Ed Davies, NRW to invite members to participate in the small working group to explore ideas for Alternative Measures.***

75. Bob suggested that members will be formally asked to join the small group.

## Item 9 Any Other Business

76. Einir Williams, Farming Connect gave a brief update regarding the communications plan for the Control of Agricultural Pollution Regulations. Einir thanked Ed for sharing the link to the webinar with the Sub Group members. Einir noted that there were some Sub Group members signed up for it and thanked them for their support. Over 100 people were booked on to the webinar and the recording will be made available on the Farming Connect website soon.

Einir mentioned that work is underway on the Factsheets and the hard copies will be out imminently. Work on further factsheets is also underway and they will be along the lines of how to be prepared for the 1<sup>st</sup> January 2023 and also the following year.

Farming Connect are also working on webinar and workshop content with partners including AHDB and HCC and coworking with NRW. Farming Connect would also welcome further coworking with any of the members of the Sub Group.

Einir also mentioned that Farming Connect are having an audit carried out on their demonstration farms, looking for examples of best practice and perhaps things which need fixing. Practical examples are always helpful to show farmers.

77. Fraser McAuley, CLA mentioned that the CLA water strategy has now been published and he will send a link to Bronwen to circulate to the group - [CLA Water Strategy](#).

78. Marc Williams, NRW mentioned that he has had communication with a Dutch company who have developed a nutrient scanner and asked whether the group would be interested in hearing more about it at a future meeting to tie in with innovation work. Members agreed that they would like to hear more about it.

***AP June 05: Marc Williams, NRW to organise a presentation by Agrocates to hear more about the nutrient scanner.***

79. Geraint Hamer, Welsh Government reminded the group that the consultation on the River Basin Management Plans (RBMPs) is due to close tomorrow (22<sup>nd</sup> June 2021) and requested that people submit a response if they have not done so already.

80. Dennis Matheson, TFA said he attended the recent Farming Connect webinar which he thought was very good. Dennis had some queries regarding the webinar which are below:

- Regarding figures for the retrospective nitrogen loading calculators, Dennis presumed these were rolling figures not just as from the 1st January every year
- There was a lot of discussion about what 'farm yard manure' is because in the regulations the term 'manure' covers everything, but 'farm yard manure' is manure that is stackable. Dennis said that it is a bit confusing so this should be clarified.

Einir said she would look into these queries if Bronwen could make a note of them and pass them onto her.



***AP June 06: Bronwen Martin, NRW to provide Dennis Matheson's webinar queries to Eimir Williams, Farming Connect.***

**Close meeting**